

## REMARKS

### I. Claims 1-17 Are Allowable

The Office has rejected claims 1-53, at paragraph 4 of the Office Action under 35 U.S.C. § 103(a) as being unpatentable over United States Publication No. 2004/0032946 ("Koser") in view of United States Publication No. 2004/0120505 ("Kotzin") and further in view of U.S. Patent No. 6,535,585 ("Hanson"). Applicants respectfully traverse the rejections.

#### A. Claims 1 -17

The Office has failed to provide a *prima facie* case of obviousness for claim 1. The cited portions of Koser, Kotzin and Hanson do not disclose or suggest the specific combination of claim 1. For example, the Office Action admits that Koser and Kotzin fail to disclose informing the calling party that the custom ring information is being delivered to the called party, as in claim 1. *See* Office Action, page 3. The Office asserts that column 15, line 57 to column 16, line 19 of Hanson discloses this feature. *See* Office Action, page 4.

However, in contrast to claim 1, Hanson discloses that when a called party cannot be reached, the calling party records a message to be stored and delivered to the called party at a later time. *See* Hanson, col. 4, lines 1-10. The calling party is subsequently informed when the disposition of the recorded message is determined such as delivery of the stored message to the called party or that the stored message was cancelled. *See* Hanson, col. 4, lines 45-49. Accordingly, Hanson teaches away from contemporaneously informing the calling party whether the custom ring information is being delivered to the called party, as in claim 1. Therefore, the cited portions of Koser, Kotzin and Hanson, separately or in combination, do not disclose or suggest each and every element of claim 1. Hence, claim 1 is allowable.

Claims 2-17 depend from claim 1, which Applicants have shown to be allowable. Thus, claims 2-17 are allowable, at least by virtue of their dependency from claim 1.

Further, dependent claim 17 recites additional features that are not disclosed or suggested by the cited portions of Koser, Kotzin and Hanson. For example, the cited portions of Koser,

Kotzin and Hanson do not disclose using caller identification information to determine that the second called party does not want to receive the custom ring information, as in claim 17. The Office Action states that this feature is found in paragraph [0117] of Koser. *See* Office Action, page 7. In contrast to claim 17, Koser discloses a system that determines whether the called party is a FlexRing subscriber and, if so, looks up ring-tone information that the FlexRing subscriber has associated with the calling party. *See* Koser, paragraph [0117]. The associated ring tone is delivered, and if no specified ring tone exists, a default ring tone is used. *See* Koser, paragraph [0117]. This is not equivalent to using caller identification information to determine that the second called party does not want to receive the custom ring information, as in claim 17. Accordingly, the cited portions of Koser and Kotzin, separately or in combination, do not disclose or suggest every element of claim 17. For this additional reason, claim 17 is allowable.

**B. Claims 18-25**

The Office has failed to provide a *prima facie* case of obviousness for claim 18. The cited portions of Koser, Kotzin and Hanson do not disclose or suggest the specific combination of claim 18. For example, the Office Action admits that Koser and Kotzin fail to disclose informing the calling party that the custom ring information is being delivered to the called party. *See* Office Action, page 8. Further, the cited portions of Hanson do not disclose an interface that is operable to contemporaneously send information to the calling party to inform the calling party whether the selected ring tone is being delivered to the called party, as in claim 18. The Office asserts that column 15, line 57 to column 16, line 19 of Hanson discloses this feature. *See* Office Action, page 8.

However, in contrast to claim 18, Hanson discloses that when a called party cannot be reached, the calling party records a message to be stored and delivered to the called party at a later time. *See* Hanson, col. 4, lines 1-10. The calling party is subsequently informed when the disposition of the recorded message is determined such as delivery of the stored message to the called party or that the stored message was cancelled. *See* Hanson, col. 4, lines 45-49. Accordingly, Hanson teaches away from an interface that is operable to contemporaneously send information to the calling party to inform the calling party whether the selected ring tone is being delivered to the called party, as in claim 18. Therefore, the cited portions of Koser, Kotzin and

Hanson, separately or in combination, do not disclose or suggest each and every element of claim 18. Hence, claim 18 is allowable.

Claims 19-25 depend from claim 18, which Applicants have shown to be allowable. Thus, claims 19-25 are allowable, at least by virtue of their dependency from claim 18.

Further, dependent claims 21 and 22 recite additional features that are not disclosed or suggested by the cited portions of Koser, Kotzin and Hanson. For example, the cited portions of Koser, Kotzin and Hanson do not disclose a network node that is further operable to deliver packetized information across a cable network or an xDSL network, as in claims 21 and 22, respectfully. The Office Action asserts that these features are found in paragraph [0117] of Koser. *See* Office Action, page 9. In contrast to claims 21 and 22, Koser discloses a system that determines whether the called party is a FlexRing subscriber and, if so, looks up ring-tone information that the FlexRing subscriber has associated with the calling party and returns the correct ring tone, media, or URL. *See* Koser, paragraph [0117]. The cited portions of Koser do not disclose a network node that is further operable to deliver packetized information across a cable network or an xDSL network, as in claims 21 and 22. Accordingly, the cited portions of Koser, Kotzin and Hanson, separately or in combination, do not disclose or suggest every element of claims 21 and 22. For these additional reasons, claims 21 and 22 are allowable.

Dependent claim 23 recites additional features that are not disclosed or suggested by the cited portions of Koser, Kotzin and Hanson. For example, the cited portions of Koser, Kotzin and Hanson do not disclose a custom ring tone block list indicating that a second called party does not want to receive the calling party selected ring tone, as in claim 23. The Office Action asserts that this feature is found in paragraph [0124] of Koser. *See* Office Action, page 10. However, in contrast with claim 23, Koser discloses that if a ring-tone is not specified, a default ring-tone may be used. *See* Koser, paragraph [0124]. The cited portions of Koser, Kotzin and Hanson do not disclose a custom ring tone block list indicating that a second called party does not want to receive the calling party selected ring tone, as in claim 23. Accordingly, the cited portions of Koser, Kotzin and Hanson, separately or in combination, do not disclose or suggest every element of claim 23. For this additional reason, claim 23 is allowable.

### C. Claims 26-30

The Office has failed to provide a *prima facie* case of obviousness for claim 26. The cited portions of Koser, Kotzin and Hanson do not disclose or suggest the specific combination of claim 26. For example, the Office Action admits that Koser and Kotzin fail to disclose informing the calling party that the custom ring information is being delivered to the called party. *See* Office Action, page 11. Further, the cited portions of Hanson do not disclose a graphical user interface element that is configured to contemporaneously inform the calling party that the call is being placed and whether the selected ring tone is being delivered to the called party, as in claim 26. The Office asserts that column 15, line 57 to column 16, line 19 of Hanson discloses this feature. *See* Office Action, page 11.

However, in contrast to claim 26, Hanson discloses that when a called party cannot be reached, the calling party records a message to be stored and delivered to the called party at a later time. *See* Hanson, col. 4, lines 1-10. The calling party is subsequently informed when the disposition of the recorded message is determined such as delivery of the stored message to the called party or that the stored message was cancelled. *See* Hanson, col. 4, lines 45-49. Accordingly, Hanson teaches away from a graphical user interface element that is configured to contemporaneously inform the calling party that the call is being placed and whether the selected ring tone is being delivered to the called party, as in claim 26. Therefore, the cited portions of Koser, Kotzin and Hanson, separately or in combination, do not disclose or suggest each and every element of claim 26. Hence, claim 26 is allowable.

Claims 27-30 depend from claim 26, which Applicants have shown to be allowable. Thus, claims 27-30 are allowable, at least by virtue of their dependency from claim 26.

### D. Claims 31-32

The Office has failed to provide a *prima facie* case of obviousness for claim 31. The cited portions of Koser, Kotzin and Hanson do not disclose or suggest the specific combination of claim 31. For example, the Office Action admits that Koser and Kotzin fail to disclose informing the calling party that the custom ring information is being delivered to the called party.

See Office Action, page 12. Further, the cited portions of Hanson do not disclose a computer-readable medium to contemporaneously inform the calling party whether the selected ring tone is being output while the incoming call is being made, as recited in claim 31. The Office asserts that column 15, line 57 to column 16, line 19 of Hanson discloses this feature. See Office Action, page 12.

However, in contrast to claim 31, Hanson discloses that when a called party cannot be reached, the calling party records a message to be stored and delivered to the called party at a later time. See Hanson, col. 4, lines 1-10. The calling party is subsequently informed when the disposition of the recorded message is determined such as delivery of the stored message to the called party or that the stored message was cancelled. See Hanson, col. 4, lines 45-49. Accordingly, Hanson teaches away from a computer-readable medium to contemporaneously inform the calling party whether the selected ring tone is being output while the incoming call is being made, as recited in claim 31. Therefore, the cited portions of Koser, Kotzin and Hanson, separately or in combination, do not disclose or suggest each and every element of claim 31. Hence, claim 31 is allowable.

Claim 32 depends from claim 31, which Applicants have shown to be allowable. Thus, claim 32 is allowable, at least by virtue of its dependency from claim 31.

#### E. Claims 33-42

The Office has failed to provide a *prima facie* case of obviousness for claim 33. The cited portions of Koser, Kotzin and Hanson do not disclose or suggest the specific combination of claim 33. For example, the Office Action admits that Koser and Kotzin fail to disclose informing the calling party that the custom ring information is being delivered to the called party. See Office Action, page 15. Further, the cited portions of Hanson do not disclose contemporaneously informing the calling party whether the custom ring information is being delivered with the call, as recited in claim 33. The Office asserts that column 15, line 57 to column 16, line 19 of Hanson discloses this feature. See Office Action, page 15.

However, in contrast to claim 33, Hanson discloses that when a called party cannot be reached, the calling party records a message to be stored and delivered to the called party at a later time. *See* Hanson, col. 4, lines 1-10. The calling party is subsequently informed when the disposition of the recorded message is determined such as delivery of the stored message to the called party or that the stored message was cancelled. *See* Hanson, col. 4, lines 45-49. Accordingly, Hanson teaches away from contemporaneously informing the calling party whether the custom ring information is being delivered with the call, as recited in claim 33. Therefore, the cited portions of Koser, Kotzin and Hanson, separately or in combination, do not disclose or suggest each and every element of claim 33. Hence, claim 33 is allowable.

Claims 34-42 depend from claim 33, which Applicants have shown to be allowable. Thus, claims 34-42 are allowable, at least by virtue of their dependency from claim 33.

Further, dependent claim 34 recites additional features that are not disclosed or suggested by the cited portions of Koser, Kotzin and Hanson. For example, the cited portions of Koser, Kotzin and Hanson do not disclose using the caller identification information to determine that the called party does not want to receive the first custom ring information, as in claim 34. The Office Action asserts that these features are found in paragraph [0117] of Koser. *See* Office Action, page 7. In contrast to claim 7, Koser discloses a system that determines whether the called party is a FlexRing subscriber and, if so, looks up ring-tone information that the FlexRing subscriber has associated with the calling party and returns the correct ring tone, media, or URL. *See* Koser, paragraph [0117]. The cited portion of Koser does not disclose using the caller identification information to determine that the called party does not want to receive the first custom ring information, as in claim 34. Accordingly, the cited portions of Koser, Kotzin and Hanson, separately or in combination, do not disclose or suggest every element of claim 34. For these additional reasons, claim 34 is allowable.

Dependent claim 37 recites additional features that are not disclosed or suggested by the cited portions of Koser, Kotzin and Hanson. For example, the cited portions of Koser, Kotzin and Hanson do not disclose a method wherein the first custom ring information includes an advertisement, as in claim 37. The Office Action states that this feature is found in paragraph

[0107] of Koser. *See* Office Action, page 6. In contrast to claim 37, Koser discloses FlexRing Client 30 that can employ a web browser and that can be implemented on a personal computer. *See* Koser, paragraph [0107]. The cited portions of Koser do not disclose the ring tones as including or being advertisements, as in claim 37. Accordingly, the cited portions of Koser, Kotzin and Hanson, separately or in combination, do not disclose or suggest every element of claim 37. For these additional reasons, claim 37 is allowable.

F. Claims 43-47

The Office has failed to provide a *prima facie* case of obviousness for claim 43. The cited portions of Koser, Kotzin and Hanson do not disclose or suggest the specific combination of claim 43. For example, the Office Action admits that Koser and Kotzin fail to disclose informing the calling party that the custom ring information is being delivered to the called party. *See* Office Action, page 11. Further, the cited portions of Hanson do not disclose a graphical user interface element that is configured to contemporaneously inform the user whether the select ring tone is being delivered to the called party, as in claim 43. The Office asserts that column 15, line 57 to column 16, line 19 of Hanson discloses this feature. *See* Office Action, page 11.

However, in contrast to claim 43, Hanson discloses that when a called party cannot be reached, the calling party records a message to be stored and delivered to the called party at a later time. *See* Hanson, col. 4, lines 1-10. The calling party is subsequently informed when the disposition of the recorded message is determined such as delivery of the stored message to the called party or that the stored message was cancelled. *See* Hanson, col. 4, lines 45-49. Accordingly, Hanson teaches away from a graphical user interface element that is configured to contemporaneously inform the user whether the select ring tone is being delivered to the called party, as in claim 43.

Further, claim 43 is allowable for the additional reason that that the cited portions of Koser, Kotzin and Hanson do not disclose a memory for storing ring tone information representing the select ring tone and including an advertisement. In contrast to claim 43, Koser discloses FlexRing Client 30 that can employ a web browser and that can be implemented on a personal computer. *See* Koser, paragraph [0107]. Accordingly, the cited portions of Koser,

Kotzin and Hanson, separately or in combination, do not disclose or suggest every element of claim 43. Hence, claim 43 is allowable.

Claims 44-47 depend from claim 43, which Applicants have shown to be allowable. Thus, claims 44-47 are allowable, at least by virtue of their dependency from claim 43.

G. Claims 48-53

The Office has failed to provide a *prima facie* case of obviousness for claim 48. The cited portions of Koser, Kotzin and Hanson do not disclose or suggest the specific combination of claim 48. For example, the Office Action admits that Koser and Kotzin fail to disclose informing the calling party that the custom ring information is being delivered to the called party. *See* Office Action, page 16. Further, the cited portions of Hanson do not disclose a computer-readable medium sending a signal to contemporaneously inform the calling party whether the call is being made with the associated selected ring tone, as recited in claim 48. The Office asserts that column 15, line 57 to column 16, line 19 of Hanson discloses this feature. *See* Office Action, page 16.

However, in contrast to claim 48, Hanson discloses that when a called party cannot be reached, the calling party records a message to be stored and delivered to the called party at a later time. *See* Hanson, col. 4, lines 1-10. The calling party is subsequently informed when the disposition of the recorded message is determined such as delivery of the stored message to the called party or that the stored message was cancelled. *See* Hanson, col. 4, lines 45-49. Accordingly, Hanson teaches away from a computer-readable medium sending a signal to contemporaneously inform the calling party whether the call is being made with the associated selected ring tone, as recited in claim 48. Therefore, the cited portions of Koser, Kotzin and Hanson, separately or in combination, do not disclose or suggest each and every element of claim 48. Hence, claim 48 is allowable.

Claims 49-53 depends from claim 48, which Applicants have shown to be allowable. Thus, claims 49-53 are allowable, at least by virtue of their dependency from claim 48.



Further, dependent claim 49 recites additional features that are not disclosed or suggested by the cited portions of Koser, Kotzin and Hanson. For example, the cited portions of Koser, Kotzin and Hanson do not disclose using the caller identification information to determine that the called party does not want to receive the first custom ring information, as in claim 49. The Office Action asserts that these features are found in paragraph [0117] of Koser. *See* Office Action, page 7. In contrast to claim 49, Koser discloses a system that determines whether the called party is a FlexRing subscriber and, if so, looks up ring-tone information that the FlexRing subscriber has associated with the calling party and returns the correct ring tone, media, or URL. *See* Koser, paragraph [0117]. The cited portions of Koser do not disclose using the caller identification information to determine that the called party does not want to receive the first custom ring information, as in claim 49. Accordingly, the cited portions of Koser, Kotzin and Hanson, separately or in combination, do not disclose or suggest every element of claim 49. For these additional reasons, claim 49 is allowable.

Dependent claim 52 recites additional features that are not disclosed or suggested by the cited portions of Koser, Kotzin and Hanson. For example, the cited portions of Koser, Kotzin and Hanson do not disclose that the calling party selected ring tone includes an advertisement, as in claim 52. The Office Action states that this feature is found in paragraph [0107] of Koser. *See* Office Action, page 6. In contrast to claim 52, Koser discloses FlexRing Client 30 that can employ a web browser and that can be implemented on a personal computer. *See* Koser, paragraph [0107]. The cited portions of Koser do not disclose the ring tones as including or being advertisements, as in claim 52. Accordingly, the cited portions of Koser, Kotzin and Hanson, separately or in combination, do not disclose or suggest every element of claim 52. For these additional reasons, claim 52 is allowable.

## CONCLUSION

Applicants have pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the references applied in the Office Action. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the objections and rejections, as well as an indication of the allowability of each of the pending claims.

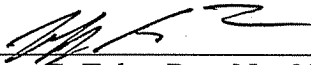
Any changes to the claims in this amendment, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

4-4-2008  
Date

  
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